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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in the Lok Sabha on 31st May, 1995

BILL NO. 43 OF 1995

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:

1. This Act may be called the Constitution (Eighty-sixth Amendment) Act, 1995.

Short title.

2. In article 16 of the Constitution, after clause (4), the following clause shall be inserted, namely:

Amendment of article 16.

"(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State."

STATEMENT OF OBJECTS AND REASONS

The Scheduled Castes and the Scheduled Tribes have been enjoying the facility of reservation in promotion since 1955. The Supreme Court in its judgement dated 16th November, 1992 in the case of *Indra Sawhney and Others vs. Union of India and Others*, however, observed that reservation of appointments or posts under article 16(4) of the Constitution is confined to initial appointment and cannot extend to reservation in the matter of promotion. This ruling of the Supreme Court will adversely affect the interests of the Scheduled Castes and Scheduled Tribes. Since the representation of the Scheduled Castes and the Schedule Tribes in Services in the States have not reached the required level, it is necessary to continue the existing dispensation of providing reservation in promotion in the case of the Scheduled Castes and the Scheduled Tribes. In view of the commitment of the Government to protect the interests of the Scheuled Castes and the Scheduled Tribes, the Government have decided to continue the existing policy of reservation in promotion for the Scheduled Castes and the Scheduled Tribes. To carry out this, it is necessary to amend article 16 of the Constitution by inserting a new clause (4A) in the said article to provide for reservation in promotion for the Scheduled Castes and the Scheduled Tribes.

2. The Bill seeks to achieve the aforesaid object.

SITARAM KESRI.

NEW DELHI;
The 31st May, 1995.

R. C. BHARDWAJ,
Secretary-General.